

LAW OFFICE OF TODD D. LERAS
Todd D. Leras, CA SBN 145666
455 Capitol Mall, Suite 802
Sacramento, California 95814
(916) 504-3933
toddleras@gmail.com
Attorney for Defendant
CLAYTON HOWARD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLAYTON HOWARD,

Defendant.

Case No.: 2:20-cr-090 MCE

STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

Date: June 24, 2021
Time: 10:00 a.m.
Court: Hon. Morrison C. England, Jr.

Plaintiff United States of America by and through Assistant United States Attorney
Cameron Desmond, and Attorney Todd Leras on behalf of Defendant Clayton Howard, stipulate
as follows:

1. This matter is presently set for a status conference on June 24, 2021. The defense
requests to continue the status conference to August 12, 2021. The government does
not oppose the request.

ORDER CONTINUING STATUS
CONFERENCE

2. This case involves a felon in possession of ammunition charge stemming from execution of a search warrant in San Joaquin County. Defendant appeared for arraignment on the charge contained in the Indictment on July 15, 2020. The government has provided written reports related to execution of the search warrant to defense counsel as discovery materials.
3. Defense investigation of this matter has been hampered due to measures taken by federal and state authorities in response to the COVID-19 pandemic. Specifically, pandemic restrictions have delayed the ability of the defense to conduct in-person interviews of potential witnesses and to obtain relevant records needed to evaluate potential defenses and for purposes of mitigation in the event of a negotiated disposition. Defendant Howard therefore requests to continue this matter to August 12, 2021.
4. Defendant Howard is being held in pre-trial detention at the Sacramento County Main Jail. During most of the time since Mr. Howard's arrest in this matter, federal courthouses in the Eastern District of California have been closed to public access. General Order 631, issued on May 26, 2021, authorized judges in the district to hold public hearings, subject to masking and social distancing requirements, beginning on June 14, 2021. This development along with the general improvement in pandemic restrictions in the Sacramento region improves the defense's ability to conduct its own investigation.
5. Given the need for additional time to conduct defense investigation, Defendant Howard requests to continue the status conference in this matter to August 12, 2021,

ORDER CONTINUING STATUS
CONFERENCE

1 at 10:00 a.m., and to exclude time between June 24, 2021 and August 12, 2021,
2 inclusive, under Local Code T-4.

- 3 6. Attorney Todd Leras represents and believes that failure to grant additional time as
4 requested would deny Defendant Howard the reasonable time necessary for effective
5 preparation, considering the exercise of due diligence.
- 6 7. Based on the above-stated facts, Defendant Howard requests that the Court find that
7 the ends of justice served by continuing the case as requested outweigh the best
8 interest of the public and the Defendant in a trial within the time prescribed by the
9 Speedy Trial Act.
- 10 8. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
11 *seq.*, within which trial must commence, the time period of June 24, 2021 to August
12 12, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and
13 (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court
14 at Defendant Howard's request on the basis that the ends of justice served by taking
15 such action outweigh the best interest of the public and the Defendant in a speedy
16 trial.
- 17 9. Nothing in this stipulation and order shall preclude a finding that other provisions of
18 the Speedy Trial Act dictate that additional time periods are excludable from the
19 period within which a trial must commence.

20 Assistant U.S. Attorney Cameron Desmond has reviewed this proposed order and
21 authorized Todd Leras via email to sign it on her behalf.
22
23

24
25
26
27
28 ORDER CONTINUING STATUS
CONFERENCE

1
2 DATED: June 21, 2021

PHILLIP A. TALBERT
Acting United States Attorney

3
4 By /s/ Todd D. Leras for
CAMERON DESMOND
Assistant United States Attorney

5
6 DATED: June 21, 2021

7 By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
CLAYTON HOWARD

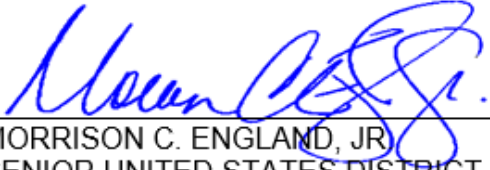
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 ORDER CONTINUING STATUS
CONFERENCE

1 **ORDER**

2 BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is
3 hereby ordered that the status conference in this matter, scheduled for June 24, 2021, is vacated.
4
5 A new status conference is scheduled for August 12, 2021, at 10:00 a.m. The Court further
6 finds, based on the representations of the parties and Defendant Howard's request, that the ends
7 of justice served by granting the continuance outweigh the best interests of the public and the
8 Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. §
9 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into
10 consideration the exercise of due diligence for the period from June 24, 2021, up to and
11 including August 12, 2021.
12

13 IT IS SO ORDERED.

14 Dated: June 23, 2021

15
16 
17 MORRISON C. ENGLAND, JR.
18 SENIOR UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27

28 ORDER CONTINUING STATUS
CONFERENCE